THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, the 19th day of June,2007

W.P.No.2097 of 2002

Between:-

K.S. Venkatesh … Petitioner

and

Union of India, rep. by its Secretary, Ministry of Home Affairs, New Delhi & others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.2097 of 2002

ORAL ORDER:

The only question that arises for consideration in this Writ Petition is whether the respondents were correct in imposing a punishment of reduction of three(3) incremental stages, which will have effect in future ?

There is no necessity of going into all the details. The impugned Order imposing the said punishment was passed on 6-4-2001. By that time, 1969 Rules were in vogue. While interpreting Rule 31(e) of the Central Industrial Security Force Rules,1989, this Court in Writ Petition No.5001 of 2002, dated 5-12-2003 held that no such power is vested with the respondents under the said Rule to impose a punishment of stoppage of increments with cumulative effect. Therefore, the order passed by the disciplinary authority dated 6-4-2001 as confirmed by the appellate authority on 31-12-2001 cannot be sustained insofar as it relates to making the punishment with cumulative effect and is liable to be set aside to that extent.

Accordingly, the Writ Petition is allowed and the impugned Order of the disciplinary authority as confirmed by the appellate authority is modified by deleting the words 'the reduction will have the effect of postponing his future increments of pay" in the order passed by the disciplinary authority on 6-4-2001. There shall be no order as to costs.

19-6-2007

prk